

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Jessica Spurck, individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

Demet's Candy Company, LLC,

Defendant.

Case No. 7:21-cv-05506-NSR

**NOTICE OF MOTION TO DISMISS
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Complaint, Defendant Star Brands North America, Inc., erroneously named in the Complaint as Demet's Candy Company, LLC, moves before the Honorable Nelson Stephen Román, United States District Court Judge for the Southern District of New York, at the United States District Courthouse, 300 Quarropas Street, White Plains, NY 10601, Courtroom 218, for an order dismissing the Complaint of Plaintiff Jessica Spurck (Dkt. 1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted.

Dated: December 21, 2021

Respectfully submitted,

/s/ August T. Horvath

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*Attorneys for Defendant Star Brands North
America, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of December 2021, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via electronic mail.

/s/ August T. Horvath
August T. Horvath